

**REMARKS**

In response to the claim objections, independent claims 1 and 4 have been amended to refer reference to storing of the low resolution image. Accordingly, the objection to claims 1 and 4 is no longer applicable.

The Examiner, in paragraph 10, rejected claims 1-6 under 35 USC § 103(a) as being unpatentable over Yokomizo et al. (6,522,418) in view of Morris et al. (5,153,936) for the reasons set forth therein. Applicant respectfully submits, as previously discussed, that the Yokomizo et al. reference is not directed to a method or apparatus according to the present invention. The Yokomizo reference can be distinguished for a number of respects. The Examiner first states that Yokomizo can assist in recreating a digital image file on a user computer. As previously discussed, the Yokomizo et al. reference is directed to a system totally apart and distinct from that of the present invention. In particular, the '418 reference is directed to a system where high resolution images are stored at the dealer branch shop or dealer retail shop (see column 5, lines 47-51). It is the low resolution images that are sent to the web server 9 at the head shop 5 and then later forwarded to the user 7 (see column 5, lines 59-64). The user then effects the desired editorial work on the low resolution image received by the personal computer of the user (see column 5, lines 66 through column 6, line 2). Thus, in order to be an analogous situation it would have to be the dealer or head shop where the high resolution image is stored that would provide storage parameters to the user. There is no teaching or suggestion that any such parameters are provided to the user. Furthermore, what the user does in the '418 reference is provide information for producing a new product from the stored high resolution image. In particular see column 6, lines 3 et al. whereupon for completion of the necessary editorial process on the downloaded low resolution image, the user 7 sends the editorial information, for example editorial commands or instructions to be applied to the image, to the web server 9 through the network. Further, as set forth in column 6, lines 9 et al. the editorial information is executed on the high resolution image which has been stored on the disk 3, for example, for producing an output on a printer. There is no teaching or suggestion of any type of repair to the high resolution image. What is being accomplished in the '418 reference is simply using the high resolution image to

create a new product that is used in creating for example, a print. There is no teaching or suggestion that:

1. The provider analyzes the user storage device to obtain "storage parameters of the high resolution digital image file".
2. There is no teaching or suggestion of transmitting from the remote location the image storage parameters to the user computer so as to assist in reconstructing the high resolution digital image file in the user device that has had some loss of data.

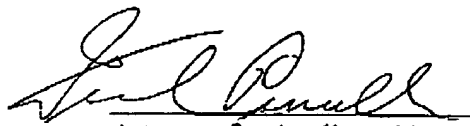
Thus, it can be seen that the '418 reference lacks in several respects specific elements as set forth in the independent claims of the present application. Further, there would be no teaching or suggestion of doing what is claimed by Applicant as the situation in the '418 reference is in total opposition to that of the present and claimed invention. In particular, the high resolution image in the present and claimed invention is maintained at the user computer whereas the high resolution in the '418 reference is maintained at a dealer, for example the provider. Thus it can be seen that the '418 reference is of little relevance to that of the present invention. The Examiner makes reference to column 10, line 21 as suggesting that this supplies some type of repair and/or reconstruction. However, Applicant respectfully submits that there is no teaching or suggestion that this is accurate. Quite the contrary, there is no teaching or suggestion as to what "repaired image" refers to. This passage referred to by the Examiner simply is directed to what is supplied in the script developed during the editorial process. There is no teaching or suggestion to support that this repaired image reference in any way relates to repairing of the stored high resolution image. The passage the Examiner refers to is simply directed to the application used to read the script such that the user can perform the necessary editorial functions. There is no teaching or suggestion that there is any information provided that is directed to the storage parameters of the stored high resolution image or that it can be used for restoring/recreating the stored high resolution image. Accordingly, Applicant respectfully submits that the '418 reference is totally lacking in teaching or suggesting the present claimed invention.

The Examiner has also cited Morris et al. as being in the same field of transferring images over a communication network for disclosing the performing of a remote backup in the case that stored images need to be replaced

due to a problem with the stored images. However, the Morris et al. reference is directed to nothing more than providing a full backup image of the high resolution image. This is in contrast to the present invention where only the low resolution image is sent up to the provider. In the present invention it is the storage parameters that are used to assist in recreating the high resolution image. What is taught in Morris et al. is simply providing a full backup of the image. This does not provide any additional support in the Yokomizo reference for arriving at the claimed invention. In order to render a claim obvious under 35 USC § 103 each and every element of the claimed invention must be disclosed. Applicant respectfully submits there is no teaching or suggestion as to why the two references should be combined together as they are directed to two different aspects, the Morris et al. reference is directed to providing improved response time for accessing and transferring of digital images. In particular see column 1, lines 44-57). The '418 reference is directed to obtaining special modifications to an image thus, since the cited references are directed to two totally apart and distinct problems, there would be no motivation, teaching or suggestion of combining the two. However, even if they were combined together they still fail to teach or suggest the claimed invention for the reasons discussed above.

In summary Applicant respectfully submits that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.